

## ARTICLE 59.

### LUNATICS AND INSANE.

#### Insanity as a Defense in Criminal Cases.

6. Jury trial; judge may order prisoner examined.

#### Board of Mental Hygiene.

- 21A. Sanity of veterans; commitment to U. S. Veterans' Hospital.

#### Rosewood State Training School.

55. Repealed.

### Lunatic or Insane Paupers.

#### 1.

This section referred to—see notes to art. 16, sec. 37. *Lowe v. Lowe*, 150 Md. 603.

#### Insanity as a Defense in Criminal Cases.

An. Code, 1924, sec. 6. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1826, ch. 197, sec. 1. 1916, ch. 699. 1931, ch. 436. 1933 (Special Sess.), ch. 81.

6. When it is desired to interpose the defense of insanity or lunacy on behalf of one charged with a crime, offense or misdemeanor, the defendant, his or her counsel, or other person authorized by law to appear and act for him or her, shall, at the time of pleading to the indictment or information, unless the court for good cause shown shall otherwise order, file a plea in writing, in addition to the plea or pleas required or permitted by law, alleging that the defendant was insane or lunatic at the time of the commission of the alleged crime, offense or misdemeanor, and/or that the defendant is insane or lunatic at the time of the trial. Whenever the plea of insanity or lunacy shall be interposed by or on behalf of any defendant, the jury impanelled to try such a person, or the court shall not be required to state in their verdict that the person so charged was sane at the time of the commission of the crime, offense or misdemeanor, and/or sane at the time of the trial, if they so find, and if the jury or the court shall not specifically state in their verdict that the defendant was insane at the time of the commission of the crime, offense or misdemeanor, or that the defendant was insane at the time of the trial, it shall be conclusively presumed that they found such defendant to be sane at the time of the commission of the crime, offense or misdemeanor, and/or sane at the time of the trial, as the case may be; provided, however, that in any case where the plea of insanity or lunacy is interposed the court shall, upon the application of the State or of the defendant, or may upon its own motion, direct any jury impanelled to try such case